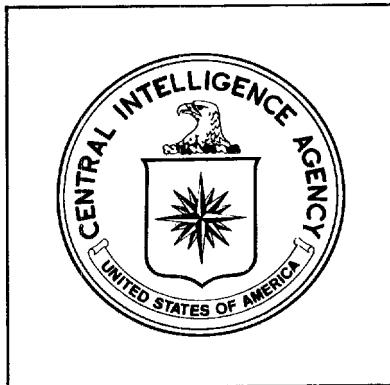


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## International Issues

# REGIONAL AND POLITICAL ANALYSIS

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State Dept. review completed

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Approved For Release 2007/03/06 : CIA-RDP79T00912A002300010005-9

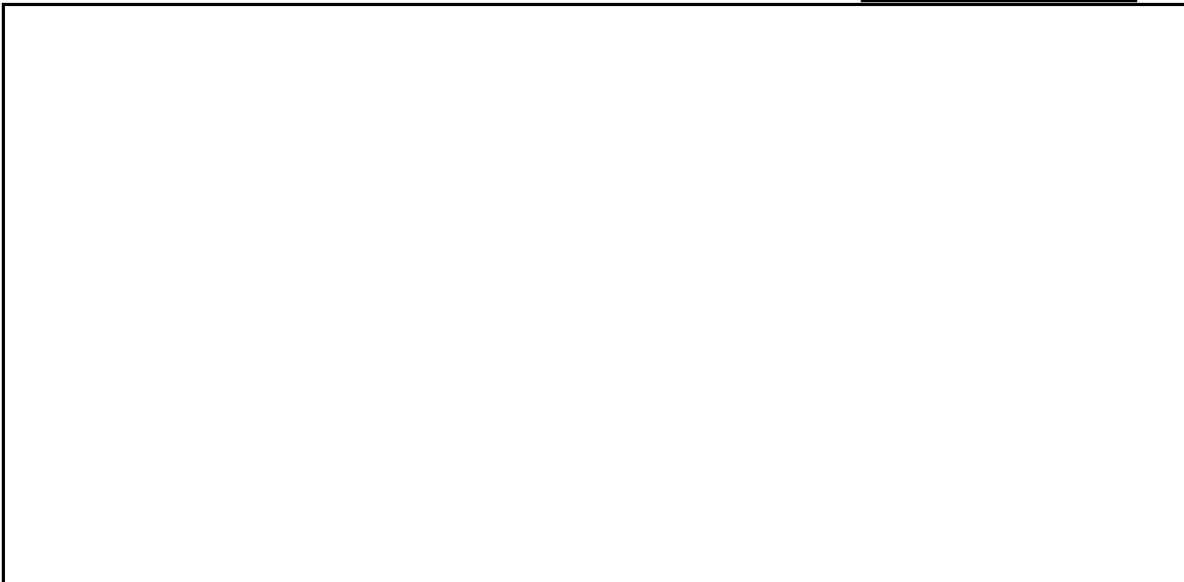
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This month *International Issues* includes several articles analyzing various dimensions of the global problems that have collectively become known as the North-South Dialogue. The large number of North-South articles reflects the increasingly important role that the examination of these issues has assumed in the capitals of virtually all industrialized and developing countries.

In our effort to provide multidisciplinary analyses on the political implications of a full range of global and regional problems through this monthly periodical, we have also included articles examining the question of political dissidence in the Soviet Union, [REDACTED]

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This publication is prepared by the International Issues Division, Office of Regional and Political Analysis, with occasional contributions from other offices within the Directorate of Intelligence. The views presented are the best judgments of individual analysts who are aware that many of the issues they discuss are subject to alternative interpretation. Comments and queries are welcome. They should be directed to the authors of the individual articles.

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# NORTH-SOUTH RELATIONS

The articles in this section of *International Issues* build on analyses published in the April, May, and June editions of this publication. The present articles examine:

- The state of North-South relations halfway between the conclusion of the Conference on International Economic Cooperation and the meeting of the UN General Assembly.



- The internal and external dynamics of one of the emerging regional forums in which a large portion of the North-South dialogue will probably be carried out in the future.

In the coming months we will continue to analyze the role of key actors and institutions involved in the North-South dialogue and seek to illuminate the relationships and linkages between the LDCs' economic demands and other economic and political issues that affect and are affected by them.

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Developing and Industrial Country Reactions to CIEC:  
Implications for North-South Relations

*This is the first of two planned articles that will explore prospects for this fall's round of UN-sponsored North-South meetings. The focus here is on the implications of the conclusion to the final ministerial meeting of the Conference on International Economic Cooperation (CIEC) for the negotiating strategies of the industrialized and developing countries. Next month, the focus will be on the nature of the issues likely to be raised at these UN meetings, and their potential impact on recent US initiatives on North-South relations.*

\* \* \*

Developing Country Reaction to CIEC

The reactions of the developing countries to the conclusion of CIEC reflect a growing pragmatism about negotiations with the industrialized countries and about the likelihood of actually achieving a "New International Economic Order" (NIEO). Especially when it comes to the latter, there is a striking degree of acknowledgement by LDCs that the NIEO as presently formulated is unrealistic and probably unattainable, and that continued insistence on it may prove damaging to what can be achieved. Few LDCs now expect OPEC to lend substantial support to LDC demands for an NIEO, moreover, and most appear to recognize the limits on bloc solidarity imposed by the clash of national economic interests over such key issues as the UNCTAD Integrated Program on commodities and automatic debt-relief schemes.

The most immediate testing ground of the pragmatism of the LDCs will be, first, the reconvened 31st UN General Assembly which will meet for four days in mid-September to formally review the results of CIEC and, second, the 32nd General Assembly (scheduled for September through December.) Despite the present atmosphere of

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accommodation in North-South relations, there still exists a considerable gap between the expectations and demands of even the more moderate LDCs and the concessions most industrialized countries are willing to make. This gap will continue to represent a source of tension and strain in UN politics.

Within the LDC camp, there are widely different interpretations of what was achieved at CIEC, especially over the issue of establishing a common fund, and this will inevitably lead to charges by some LDCs of industrial country "backsliding" when the round of UNCTAD-sponsored negotiations resumes late this fall. Moreover, the UNCTAD leadership (particularly Secretary General Gamani Corea) has branded CIEC a failure, and blamed the intransigence and behind-the-scenes maneuvering of the industrialized countries for the lack of progress on most key NIEO issues. Corea and other third world spokesmen have called on the Group of 77 (G-77)--the LDC caucus--to formulate a negotiating strategy for future conferences that would minimize the internal differences that were exploited by the industrialized countries at CIEC. Also recommended is the formation of a "producers-exporters council" to increase LDC leverage at upcoming commodity negotiations. There are, moreover, unconfirmed reports of interest on the part of some OPEC countries (e.g., Venezuela and Kuwait) in financing the establishment of such a council. Finally, some of the more advanced and rapidly growing LDCs appear to have reacted negatively to recent US initiatives at the UN's Economic and Social Council to advance a strategy in response to NIEO that would concentrate on satisfying the "Basic Human Needs" of the world's poor.

Nevertheless, the US may be heading toward a General Assembly session where the key issues will be less politicized by events and developments in North-South relations than any held since 1970. The preparatory meetings of the G-77 suggest that most LDCs appear to prefer to continue using nonconfrontational tactics to achieve their demand for increased transfers of resources from the industrialized countries and especially for establishment of a common fund to finance commodity buffer stocks and to improve LDC terms of trade. In contrast to past years, when highly politicized General Assembly sessions were considered by the LDCs as essential to maintaining

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the momentum behind the North-South dialogue, spokesmen for developing countries now feel that such a session would adversely affect prospects for the negotiations on a common fund and other issues planned for this fall. The LDCs are also concerned lest a return to confrontation alienate the US at a time when its policies toward North-South relations are under review.

The preoccupation of some key "radicals" (e.g., Algeria) with domestic problems, the change of administration in others (e.g., Mexico), and the desire on the part of many to have smoother relations with individual industrialized countries, also have contributed to the LDCs' downplaying of confrontational tactics at the UN. Such radicals remain interested in substantive changes in the international economic order, but for the moment they appear to accord systemic change a relatively low priority in foreign policy for 1977. The lower profile of most radicals, in addition, has given the more moderate LDCs--who have consistently favored a nonconfrontational approach to North-South relations--a higher leadership profile in the G-77 than at any time in the past.

Currently the moderates themselves are far from being of one mind about priorities and commitment to the G-77. Some (e.g., India) believe that tangible progress toward resource transfers for the world's poorest countries is now essential, and that the G-77 should aim at achieving greater pledges of aid especially from OPEC countries. Others (e.g., Indonesia and the Philippines) appear to believe that the common fund is a symbol of such paramount political importance to G-77 solidarity that it should receive priority attention. At the same time, many moderates (as the article on page 25 suggests) have also turned to regional forums in the hope that greater progress toward their goals in the areas of trade preferences, technology transfer, and regulations on the activities of multinational corporations can be made outside the cumbersome framework of the G-77.

But regardless of their differences over priorities and venues, the moderates will especially look to what the industrialized countries are actually prepared to do in response to LDC demands. Many believe that for the current nonconfrontational atmosphere to continue, the North-South dialogue must now produce tangible results

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appealing to a broad range of LDCs. Thus, regardless of what happens at the UN this fall, the moderates are likely to put heavy and persistent pressures on the industrialized countries over the next few months to address those North-South issues on which little progress was made at CIEC.

### Industrialized Country Unity

Most industrialized countries considered CIEC a qualified success. They succeeded in meeting their primary goal of avoiding a confrontation with the LDCs and conceded relatively little in exchange. The agreement to participate in negotiations on the establishment of a common fund, for example, did not tie the industrialized states to a specific plan, let alone the \$6 billion common fund proposed by the UNCTAD Secretariat.

Some industrialized states were concerned about the failure of the conference to establish an ongoing energy dialogue. Most agree, however, that the concessions that would have been necessary to obtain further energy talks would have been excessive. Some members of the government and most of the political opposition in West Germany have actually complained that too many concessions were made at CIEC,\* but the only Dutch and Scandinavian governments--among the industrialized states--have expressed displeasure at the lack of sufficient progress by the CIEC on issues of basic interest to the LDCs.

One point on which all of the industrialized countries at CIEC have agreed is that the preservation of a nonconfrontational atmosphere at CIEC is attributable in large part to their ability to maintain a united front during the CIEC ministerial meeting. The industrialized states have long perceived the tactical benefits of a united position in negotiations with the LDCs, but until CIEC, a common program and agreed set of strategies and tactics had eluded them.

*\*The article on page 7 analyzes pressures on the West German foreign policy making process on North-South issues.*

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The industrialized states are likely to concentrate during the next several months on maintaining that unity while further developing a common negotiating position for talks with the LDCs. Reaction to a US proposal to continue consultations among the eight industrialized participants at CIEC\* in preparation for economic talks in UN bodies this fall has been favorably received. The Group of 8 has been a more effective caucusing forum than the full OECD meetings, and while some of the smaller OECD states who are not directly represented in the G-8 have opposed the US proposal, most of the EC states have endorsed it. France has expressed some reservations because, as usual, it is concerned with the level and authority of the EC spokesman in the caucuses; but the Giscard government will probably not block establishment of the group.

An expanded Canadian role in North-South negotiations will also contribute to greater unity. Long shut out of what it considers a rightful place in international economic decision-making, Ottawa is taking full advantage of its position as cochairman of the CIEC to insist on a major Canadian role in future North-South talks. Moreover, the similarity in Canadian interests--as a major exporter of raw materials--with the interests of raw material exporting LDCs has convinced the Canadian government that it can serve as a bridge between the industrialized and developing worlds.

Notwithstanding the drive for unity there will continue to be pressures on the governments in industrialized countries for following distinct rather than common policies toward the LDCs.\*\* During the next several months the most important of these factors will be the perception of the degree of confrontation that may develop as the G-77 reconsiders its goals and strategies. The more likely a confrontation, the greater the strains on unity among the industrialized states. The industrialized states will also be watching the evolution of US

*\*The US, Japan, the EC, Canada, Australia, Spain, Sweden, and Switzerland.*

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policy during this period, because most will want to isolate themselves from the US position--and the attendant criticism from LDCs--if they believe that LDCs will react negatively to US initiatives.

The tendency to follow separate paths could also be accelerated by a number of noneconomic issues that have a North-South orientation. Among these could be a clash over Southern African or Middle Eastern issues. The pending US decision on a possible withdrawal from the International Labor Organization is another political issue which could raise tensions between the North and South. The perennial questions over the status of the two Koreas and the alleged colonial status of Puerto Rico are further examples of developments that could cloud the atmosphere of talks on economic issues.

#### Conclusions

The general atmosphere of accommodation that has been developing in North-South relations, the moves for accommodation by key LDCs, and the efforts to maintain unity among industrialized countries, should not obscure the fact that there exists, and will continue to exist, large differences between what the LDCs are demanding--economically and politically--and what the industrialized countries are willing or able to grant. Thus, while the overall level of tension between North and South will probably not increase during the next six months, the inevitably slow progress of talks in the common fund, debt, aid, and other LDC demands, will threaten the atmosphere in multilateral forums and could in the long run, reinforce the growing tendency on the part of some LDCs and industrialized countries to increasingly resort to bilateral or regional relationships as an alternative to a full scale North-South dialogue.

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### China and North-South Relations

*China's interest in the contentious issues between the developing and industrial countries is distinctly secondary to its interest in using North-South relations as part of its overall foreign policy effort to constrain Soviet power and influence. Thus, the Chinese seek simultaneously to bolster (1) their reputation as a more effective supporter of LDC causes than the USSR, and (2) the strength of the industrial democracies as a counterweight to Soviet power.*

*Often, in the North-South context, the Chinese lend rhetorical support to LDC demands against the industrial states. But at times Peking acts behind the scenes as if it supports compromises. Insofar as the US is also working to reduce North-South tensions, the Chinese are unlikely to take steps--rhetoric aside--to complicate matters. Furthermore, when North-South initiatives are taken either to embarrass or to isolate the USSR in UN politics, China can be expected to endorse such efforts.*

### China's Stake in North-South Relations

Peking accords minimal priority engagement in the negotiations between developing and industrial states over a New International Economic Order (NIEO). China participates in UN sessions that address questions such as debt relief, commodity support, and increased aid to the LDCs. China, however, is not a member of the most influential caucus of developing states--the Group of 77--that formulates LDC negotiating postures. Nor did China participate in the Conference on International Economic Cooperation in Paris, which has set the tone for the next round of economic talks between industrialized and developing nations.

The issues involved in the North-South dialogue are exploited by China primarily to bolster the political aspects of its foreign policy, although the dialogue is perceived to have some long term economic potential for

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enhancing its world position. Since the 1955 Bandung Conference of Afro-Asian Nations, the Chinese have stressed Mao Tse-tung's view that a "common bond" of anticolonialism and anti-imperialism exists between China and the developing countries. Although Peking's relations with individual LDCs have waxed and waned, it has consistently sought to exploit what are perceived to be mutual interests in altering the international system. China's political and psychological appeals and its economic assistance programs to the developing states are intended to support China's goal of diffusing superpower influence globally, to enhance China's diplomatic and political influence at the lowest cost to Peking, and to encourage the LDCs to accept China's ideological leadership. China is extremely reluctant, however, to participate in international agreements which might restrict its freedom to maneuver.

#### China's Foreign and Domestic Priorities

The Chinese have used meetings of UN agencies and of the General Assembly as platforms from which to try to discredit the Soviet Union's emphasis on East-West conflict in the eyes of governments which believe that the need to redress the world economic balance is the paramount global issue. China, for instance, supports the common LDC view that the USSR should be treated as a "northern" industrial country with attendant responsibilities for concessions to LDCs on important economic issues. Moreover, the Chinese argue that the socialist bloc no longer exists and that Moscow's contention that East-West cleavage is the fundamental source of world tensions is a subterfuge to resist significant economic change.

The Chinese also use UN economic sessions, from time to time, as forums to court Western Europe and Japan to plead for mutual cooperation between them and the developing countries in resisting perceived Soviet global designs. Peking's formula for explaining its insistent advocacy of cooperation between the developing states and the "imperialists" is that Western Europe and Japan are the core of a "second world" whose interests are distinct from the "first world" of the superpowers. Hence Peking commended the joint French-Moroccan-Egyptian intervention in Zaire as an excellent example of the potential inherent in "second" and "third" world cooperation against superpower threats.

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Indeed, China believes that Western Europe and Japan are an important counterweight to the expansion of Soviet power. To curry European and Japanese favor, China has given assurances that it disapproves of the formation of resource cartels aimed against their interests. China is apparently concerned that the economic disorder that would result from LDC collective economic pressure, similar to the OPEC oil boycott of 1973, could adversely affect the European and Japanese economies, diluting their willingness and ability to resist Soviet military or political maneuvers in Europe and East Asia. Peking has given rhetorical support to raw materials cartels in order to bolster its position in the third world, but it has not joined such cartels or lent them effective support.

China's increased emphasis on acquisition of foreign technology for modernization also encourages Peking to adopt a tolerant attitude toward the so-called second world countries. China's leaders have facilitated trade expansion with the industrial democracies by enlargement of the Ministry of Foreign Trade and appointment of experienced personnel to the ministry. Moreover, Peking has seriously considered establishing long-term trade relations with Europe and Japan and has held talks with European and Japanese financial circles regarding import financing.

#### LDC Perceptions of China

Many LDC leaders doubt China's commitment to their cause in the North-South dialogue and perceive a gap between their interests in a NIEO and those of the Chinese. On one level, China has long given rhetorical support to the developing countries' collective grievances against the wealthier states concerning inequitable global economic conditions. Peking's policies are intended to absolve the poor countries of direct responsibilities for their plight, and to place the industrial states--especially the US and the USSR--in a defensive position. Basic differences between China and the LDCs, however, were already evident during the formulation of LDC views on the NIEO. The Chinese voted only reluctantly for the UN Charter of Economic Rights and Duties of States in 1974, saying that they were upset by what they felt were Soviet contributions to the document. The Chinese felt

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Soviet efforts had watered-down the text and they characterized the Charter as partly "irrational" and "compromising."

The concern with maintaining their political influence with LDCs contributed to the 1976 Chinese assurance to Gamani Corea, the Secretary General of UNCTAD, that Peking would assist the developing states in gaining their NIEO objectives. Later Chinese support of proposals to strengthen UNCTAD at the expense of the General Agreement on Tariffs and Trade and to revamp the UN institutionally, were also probably reflections of Peking's attempt to mollify key LDC leaders.

However, as previously indicated, China has refused to participate in organizations of producers of raw materials, apparently unwilling to compromise its national interest. Furthermore, in 1976 when world prices for tin were extremely low, China--a major producer--coincidentally increased its production, contributing to a market surplus. Malaysia and other members of the International Tin Council were upset by the Chinese action, but were unable to persuade China either to cut production or to join the cartel. Similarly, although many developing states believe that the United Nations Industrial Development Organization (UNIDO) is a major vehicle to promote national industrialization programs, the Chinese have said they will decrease their support of UNIDO. China explains its behavior by referring to its longstanding "principles" of national "self-reliance" and protection of its natural resources from outside interference.

Thus, the developing states are skeptical of China's desire for freedom of action in world markets and its unwillingness to modify autarkic policies in favor of contributing to LDC economic power and development projects. Many LDCs are also critical of Peking's unwillingness to participate in multilateral forums that might subject China's interests to a wide spectrum of influences. Finally, the Chinese are exceedingly reluctant to take substantive positions on issues on which the LDCs themselves disagree, such as loan moratoriums, since China would then have less flexibility in appealing to the third world to support its own foreign policy objectives.

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On another level, China's economic assistance to the LDCs--low-key projects in agriculture, transportation, health, and light industry, with short gestation periods, and low interest or interest free loans--has been well-received by the poorest developing states. Ostensibly such aid is based on Peking's general belief that the developing states should offer each other mutual support and assistance. But other developing states have been critical of China's practice of restricting its aid to countries that Peking believes will join its anti-Soviet crusade. Similarly, although China in principle exhorts the LDCs to strive for regional autonomy, it tends to assess the merit of regional experiments by the degree to which the influence of the superpowers (especially the Soviet Union) is obstructed.

#### Conclusion

In general, China's perceived national security need to contain the power and influence of the Soviet Union will probably cause it to continue to seek low-cost ways to retain or even expand its third world connections. Over the next several years, the Chinese can be expected to maintain a low profile in the North-South dialogue except where a substantive position would help gain support for Chinese political positions at the expense of the superpowers--especially the USSR--and, at the same time, not involve economic costs to China. Thus, China should view favorably US efforts to reduce North-South tensions (this, from the Chinese viewpoint, would strengthen ties between the "second" and "third" world at superpower--i.e., Soviet--expense). Also, the Chinese should support enthusiastically any efforts to embarrass the USSR because of its relative inattention to LDC economic problems.

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Saudi Arabia: Views of CIEC and the North-South Dialogue

*Saudi Arabia was encouraged by the results of the recent Conference on International Economic Cooperation (CIEC) negotiations held in Paris. A Saudi observer of the negotiations noted that the North-South dialogue had come a long way, primarily because the US has adopted a more realistic attitude toward the developing world and has shown an interest in redressing some of the economic imbalances facing the developing countries.*

The Saudis feel that a major problem now facing the dialogue is to reduce the expectations of the underdeveloped world to a more realistic level. Saudi Arabia believes that some of the economic problems faced by the developing nations can be alleviated, but that an immediate and dramatic reversal of what the LDCs consider to be historic inequities is unrealistic and should not be expected. The Saudis believe that LDC demands should be met within the context of a greater share of the growth in world products, and not simply by a redistribution of existing wealth.

Saudi attitudes toward CIEC and the North-South dialogue have been ambivalent for the past few years. Their historical, social, cultural and, to some extent, political sympathies are with the LDCs. Since the oil embargo of 1973-74, however, Saudi Arabia's enormous wealth, combined with its long-term political friendship with the US, has caused the Saudis to identify increasingly with the economic and political views of Western industrial countries.

Riyadh wants to keep the dialogue alive. The Saudis believe that by supporting the dialogue, they enhance their third world credentials with other developing countries, and prevent, or at least dissipate, charges that they are acting as a stalking horse for the US or the developed countries in general. Saudi Arabia's third world rhetoric on the duties of the industrialized states toward the LDCs is combined, however, with a marked defensiveness over its peculiar status as a developing country that has recently become extremely wealthy.

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Supporting the North-South talks costs the Saudis little and produces certain benefits for them. They have been able to accomplish some of their broader international objectives--UN support for Arab positions on Middle East issues, for example--by using the implicit threat of exercising their economic leverage against the North. The developing countries, moreover, are well aware that this Saudi leverage is essential to any progress in the general North-South dialogue.

Some Saudi officials are concerned, however, that the dialogue may not be meeting Saudi Arabia's broader objectives. One ranking Saudi official and observer of CIEC trends and prospects noted that Communist countries were most likely to gain from the CIEC talks. At a minimum, he thought that the demands and expectations fostered by CIEC among the LDCs would put Western industrialized countries on the defensive, thereby presumably undermining their collective economic unity and political strength. At worse, he thought that a failure of the talks would net the Communists even greater gain because of the resultant radicalization of the LDCs' positions.

Despite press reports and occasional public statements by Saudi Oil Minister Yamani, we have no reason to believe that the Saudis ever seriously considered tying their oil price decisions in OPEC to results at the recent CIEC negotiations. The recent Saudi decision to compromise with other OPEC members on oil prices was based on factors other than progress in the North-South dialogue or CIEC, although some propaganda points may have been scored by emphasizing the link between the two.\*

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Arab States: Scientific and Technical Cooperation

Most Arab states have established bodies to formulate national science policy, and they have taken steps through the Arab League, to mobilize scientific and technological resources. These efforts are hampered by lack of commitment and understanding on the part of many officials, wide differences in resources among the various states, and shortages of trained personnel. Despite official rhetoric, most Arab leaders still prefer to hire whatever expertise they need from the industrial states, which undercuts programs to build an indigenous technical base. Although limited, Arab efforts to form common science and technology policies for research and development should aid the Arab states in presenting a united regional position on North-South issues.

Arab policymakers often say that science and technology are important for development, but they frequently lack the technical sophistication to comprehend how to relate science to development needs. Established scientific institutions do not yet play a significant role in development decisions, and national budget allocations for scientific and technical research are small. Even rich countries such as Saudi Arabia and Kuwait, whose officials pay lip service to the importance of developing a technical capability, are likely to hire outsiders to supply the expertise when they want a project done.

Egypt and Jordan provide two typical examples of science policy formulation in the Arab states. The Egyptian Academy of Scientific Research and Technology, established in 1971, is the fifth in a series of institutions created to formulate Egyptian science policy. In 1976, the academy sponsored 120 research projects related to national problems. Its efforts to direct more Egyptian scientific efforts to industry-sponsored contract research have been hampered, however, by resistance from scientists and by lack of funds, facilities, and specialized training.

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The Jordanian Royal Scientific Society has worked since 1971 with the National Planning Council in an effort to develop industry and technology within the framework of a larger development plan. After six years, however, there is an admitted lack of program coordination, and problems exist with duplication of effort among various groups. The experiences of the science policy organizations of Lebanon, Iraq, Sudan, Syria, and Tunisia are variations on the same theme.

Comparable problems will undoubtedly handicap efforts under way among Arab nations to mobilize and coordinate their scientific and technological resources. There are wide differences in resources among Arab states, and the majority lack trained personnel, a major obstacle to implementing programs. Any regional effort would be dominated by the one or two states who could contribute most of the funds and personnel. These states could as easily pursue their interests independently.

Despite the difficulties, the attempts at cooperation are potentially significant. The first conference of the ministers of Arab states responsible for the application of science and technology to development--co-sponsored by UNESCO and the Arab League--was held in Rabat in August 1976. The most important result was the creation a \$500-million Arab science and technology research fund to support programs in five areas--water resources, nonconventional energy, marine and coast development, geological studies, and ecology of arid lands. There is no evidence, however, that any participant has committed itself to supply a specific amount of money and no firm information about how much, if any, money has been paid into the fund so far.

Even if the ministers' conference achieves no productive research and development cooperation, however, it could still play an important international political role, particularly in the debate on North-South issues. The final declaration of the Rabat conference stated that the next ministers' conference would develop a unified Arab position for the 1979 UN Conference on Science and Technology.

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### ASEAN: Filling a Gap After the Dissolution of SEATO

*The official dissolution of the Southeast Asia Treaty Organization (SEATO) last month emphasized the significant transformation of political perceptions and relationships in Southeast Asia that has taken place in recent years. Established by the Manila Treaty in 1954, SEATO was a response to fears of Chinese expansion in the wake of the Korean War and the Communist victory in North Vietnam. Detente, the US opening to China, and signs of growing US disillusionment with entangling military commitments in Asia influenced the non-Communist nations in Southeast Asia to drift toward rapprochement with China and North Vietnam in the early 1970s. Now they see the long-term prospects for regional security best served by engaging Vietnam in cooperative ventures while keeping US military power out of sight, but close at hand.*

\* \* \*

The Communist victories in Indochina accelerated the decline of SEATO. By mid-1975, with the withdrawal of British military forces east of Suez an accomplished fact and the protective US umbrella seemingly less reliable, the Southeast Asian governments felt pressed to come to terms with their victorious Communist neighbors.

The decision to phase out SEATO was made in September 1975 by the six remaining members--the US, the UK, Australia, New Zealand, the Philippines, and Thailand. The Philippines and Thailand, which were attempting to normalize relations with China and North Vietnam, requested the move. France and Pakistan, original signatories of the pact, had pulled out earlier.

### Post-SEATO Alignments

The Manila Treaty will remain in force and continue to provide justification for military intervention in case of an external attack on a member state.

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The states of Southeast Asia are suspicious of Vietnam's intentions and eager to preserve a continuing US military commitment in the region. Only Malaysia has argued for a total withdrawal of all Western military forces from the region, and in the past year or so it has pulled back from actively pushing this position.

The US bases in the Philippines are viewed by Manila's neighbors in the Association of Southeast Asian Nations (ASEAN) as an essential element for stability in the region, and they have acknowledged President Marcos' special role as principal spokesman for the ASEAN states' security ties with the US. This does not preclude efforts by Indonesia and Thailand to secure bilateral military assistance and favorable credit terms from the US for military purchases. Thailand, in particular, has sought specific reassurances that US commitments to Thailand's defense under the Manila Treaty and the Rusk-Thanat agreement are still in force.

The end of the Vietnam war has modified relationships on the Communist side as well. Hanoi has broken out of the relative isolation imposed by the war and is trying to carve out a broader and more independent role in international affairs. Although the USSR and China never obtained much leverage over Hanoi from their aid, the Vietnamese leaders are nonetheless sensitive about their dependent relationship and are trying to reduce it by broadening their political and economic ties as much as possible.

Hanoi has been surprisingly successful in attracting Western aid, but the greatest amount of economic assistance still comes from the USSR, China, and Eastern Europe and argues for the preservation of a carefully balanced relationship with Vietnam's wartime allies.

Vietnam's post-war links with China have been strained as territorial disputes and signs of a growing competition for influence in the region have come to the surface. Sino-Vietnamese differences have been kept within careful bounds, however, and recent visits of senior Vietnamese officials to China--and the warm welcome they received--indicate they are trying to restore a more cordial relationship.

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Hanoi's dream of an Indochinese federation under Vietnamese influence has been frustrated by the prickly independence of the Communist regime in Cambodia. Laos, on the other hand, has clearly become a malleable client and an occasional stalking horse for Vietnamese foreign policy.

China's entrenched presence in the northern Laotian provinces along its border has not been challenged, although the official Soviet mission in Laos has grown substantially to between 400 and 600. Vietnam's interests and influence are still predominant in Laos, however, and Vietnam's determination to control this buffer state and corridor to Thailand is reflected by the fact that at least 20,000 Vietnamese troops are now in Laos.

#### An Emerging ASEAN

There is clearly a new sense of regionalism in Southeast Asia, although its practical manifestations are emerging slowly. ASEAN was created in 1967, but remained a very flaccid organization until Hanoi's victory and the retrenchment of US power shocked ASEAN's members--Indonesia, Malaysia, the Philippines, Thailand, and Singapore--into a determined effort to make the organization more viable.

Despite their underlying fears of Vietnamese aggression, the ASEAN leaders have noted that the more significant Communist challenge is internal--festering Communist insurgencies and other dissident movements which could grow beyond control if underlying socio-economic problems are not adequately tackled.

The Bali summit conference in February 1976 was the first meeting of the five ASEAN heads of government. It underlined a commitment to economic cooperation along with resolutions to eliminate subversive threats and to work for the early establishment of a "Zone of Peace, Freedom, and Neutrality." Economic cooperation faces significant stumbling blocks largely because the ASEAN economies, except for that of mercantile-industrial Singapore, are similar and competitive rather than complementary.

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A framework for cooperation has nonetheless been established, and modest progress is being made toward implementing a preferential trade accord and parceling out development projects among the member states. The ASEAN members are anxious to enlist US and Japanese participation in regional development plans. They see US involvement as not only balancing what would otherwise be a dominant Japanese presence, but also as a symbol of continuing US interest in the region.

ASEAN is also attempting to organize a common negotiating position on trade and aid to gain more leverage with Japan, the US, and the EC. The second ASEAN summit takes place in August and should be a better measure of ASEAN's progress.

While the emphasis in ASEAN is clearly on economic cooperation, there has been a notable increase in low-profile bilateral collaboration on security matters outside the formal ASEAN framework. This is largely restricted to [redacted] occasional joint exercises, but recent Thai-Malaysian operations against the insurgents in southern Thailand demonstrate the sense of common concern that is submerging the rivalries and suspicions that have plagued regional relationships in the past.

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Military cooperation is not likely to go much beyond this. Old memories die hard, and the confrontation between Malaysia and Indonesia in the mid-1960s, Malaysia's past involvement in the Muslim insurgency in the southern Philippines, Thai suspicions of Malaysian sympathy and support for Malay separatism in Thailand, and the enduring ethnic tensions between Malay, Chinese, and Thai have left residues of mistrust. These old sores will continue to restrain cooperation--as will the desire of ASEAN members to avoid confrontation with Indochina.

The ASEAN states have made a conscious effort to avoid creating the impression that ASEAN is or could become a new military alignment against Hanoi. ASEAN caution indicates that a military pact would only provoke the Vietnamese without providing sufficient security against Vietnamese aggression. [redacted]

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### US-Asean Relations and the North-South Dialogue

*In the past year, the Association of Southeast Asian Nations (ASEAN) has shown signs of developing into an organization that can promote intra-regional cooperation, including a united approach to international economic issues. The ASEAN members have approached their major economic partners among the industrial nations--Japan, US, EC, Australia, New Zealand, and Canada--and sought to improve their terms of trade and to promote assistance for regional development. The second ASEAN summit meeting in Kuala Lumpur on August 4-6 will undoubtedly evaluate the progress of these negotiations in preparation for a series of dialogues on issues of regional interest to be held with Japan, Australia, New Zealand, and the US immediately after the summit.*

*Expectations that ASEAN can function as a regional negotiating forum for the entire spectrum of North-South issues, however, would be premature at this time. ASEAN internal unity will continue to be strained by disagreements over the pace and scope of regional cooperation itself, as well as over the specific goals to be pursued in negotiations with the industrial nations. These strains will complicate any corporate ASEAN negotiations with industrial countries on North-South issues, as will the current debate among the ASEAN states over the desirability and costs of maintaining LDC solidarity in the next phase of the North-South dialogue.*

*In particular, at the negotiations with the US scheduled for September in Manila, the ASEAN states are likely to be cool toward discussion of those North-South issues (for example, commodities, debt relief, institutional reform) that might appear either to conflict with positions developed by the LDC negotiating caucus (the Group of 77), or to signal a softening of the developing countries' demands for a New International Economic Order (NIEO). Thus, the most likely areas for US-ASEAN agreement would be those that advance regional interests without threatening G-77 political positions: special trade treatment,*

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*greater private and official assistance for development, and scientific and technological transfers.*

\* \* \*

In the wake of the May ministerial-level Conference on International Economic Cooperation (CIEC), divisions among the LDCs over how to continue the North-South dialogue have surfaced as "fissures" in G-77 solidarity. Some LDCs, especially the poorest African bloc nations, advocate negotiating solely in global forums to preserve G-77 solidarity and leverage. They view smaller forums, where some LDCs may be tempted to compromise at the expense of the group, as potential threats to G-77 unity, to progress toward a NIEO, and to their own national economic interests. Some "moderate" and relatively prosperous LDCs--the five members of ASEAN\*--are leery of the empty rhetoric and potential for confrontation of the global forum. Although they feel that negotiations with industrial nations in regional or specific commodity forums are more likely to produce tangible results, they are concerned about protecting their credentials and leverage within the G-77.

In February 1976, at the first ASEAN summit, the members agreed to develop a united approach to dealing with other regional economic groups (the EC) and with major industrial trading partners (Japan, US, Australia, New Zealand, and Canada). ASEAN moved quickly to establish a permanent secretariat (in Jakarta) and agreed to coordinate rice and crude oil policies, to plan five large-scale jointly owned industrial projects, and to stimulate intra-ASEAN trade. By acting as a collective unit, ASEAN hopes to increase its leverage in negotiations with industrial nations on measures to promote regional development and integration.

ASEAN negotiations with industrial nations, however, will continue to be affected by the limited degree of

*\*ASEAN, composed of Indonesia, Malaysia, the Philippines, Singapore and Thailand, was founded in 1967 to promote economic and social cooperation in Southeast Asia.*

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consensus on regional cooperation thus far reached among the members. Despite greater efforts to cooperate, ASEAN is by no means a fully coordinated group. The members are still in the delicate process of consensus building which involves balancing individual national with collective regional concerns.

The disparate levels of economic and social development and conflicting national economic policies and goals have produced basic differences, for example, over the nature of intra-regional preferential trade arrangements between Singapore and the Philippines on the one side and Indonesia and Malaysia on the other. Singapore and the Philippines, with industrialized or mixed economies, stand to gain from such arrangements, while Indonesia and Malaysia are more concerned with protecting their infant domestic industries. Members have also been reluctant to sacrifice existing bilateral agreements with industrial nations for currently unspecified multilateral arrangements.

Continuing disagreement over the agenda, timing, and representation (foreign or economic ministers) of talks with industrial nations and over the extent of leadership to be exercised by the ASEAN secretariat reflect the slow progress in this consensus-building process.

#### ASEAN Relations With the Third World

At the same time that ASEAN has pursued regional-level negotiations with industrial nations, the member states acknowledge the political importance of a united G-77 position in global forums for achieving the long-term goal of a NIEO. Hence, the ASEAN states--in particular Indonesia, Malaysia, and the Philippines--want to avoid charges that such regional negotiations contribute to fragmenting G-77 solidarity. In fact, Indonesia, a leading G-77 spokesman, believes that regional and bilateral discussions should complement but not substitute for other North-South forums, and has recently indicated a preference for conducting substantive negotiations on commodity issues solely at the meetings in Geneva on an Integrated Program for Commodities.

The sensitivity of some ASEAN members to the opinion of the third world will continue to influence the progress of consultations with industrial nations. Both Indonesia and the Philippines want to maintain their leading roles

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in the G-77, in part to gain third world approbation for controversial domestic policies (Indonesia's annexation of East Timor and the Philippines' handling of the Moslem Moro rebellion). In addition, the Philippines, after its long, close relationship with the US, wants to establish itself as a nonaligned nation. Indonesia and Malaysia, influential proponents of a neutralized Southeast Asia (zone of peace, freedom, and neutrality), want to avoid creating any unfavorable impression that ASEAN is seeking a mutual security organization.\* All three, therefore, have approached all consultations cautiously--out of fear of arousing Vietnamese antipathy for the association and of tainting its nonaligned and apolitical image--and have strongly advocated negotiating with each industrial nation separately. While neither Singapore nor Thailand fully share this sensitivity to third world opinion, they have, nevertheless, agreed to proceed at the pace and in the direction set by the other three.

Thus, in deciding the agenda and timing of consultations with industrial nations, ASEAN states will be forced to weigh continually their pragmatic, immediate national and regional needs against G-77 political solidarity and the long-term ideological goal of a NIEO. In talks with Japan, Australia, and New Zealand, ASEAN is seeking to change its economic relationships with these nations.

ASEAN views Japan as a leading industrial nation, the region's major market and supplier, and a neutral Asian power. In a series of ASEAN-Japan forums, Japan has been asked specifically to extend financial and technical assistance to the five regional industrial projects to establish a system for stabilizing export earnings, and to promote ASEAN-Japan trade by giving preferential treatment to ASEAN products.

ASEAN policy toward Australia and New Zealand reflects the importance the association places on the geographical proximity of both countries to the ASEAN area. The overriding concern is to draw them into an associate status with ASEAN, or at least to make them more sympathetic to the interests of their regional neighbors than to their nonregional, industrial allies.

*\*Thailand and the Philippines were members of SEATO.*

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The ASEAN nations are clearly aware that Australia and New Zealand are not in a position to do much economically for the region. ASEAN objectives in the consultations have centered on continuation of rather limited technical and financial assistance to existing joint projects, access to markets for ASEAN products, and scientific and technological cooperation.

To date, the results of these talks have been disappointing for ASEAN. Japan in particular has been accused of "divide and conquer" tactics because of its unwillingness to grant financial assistance to the five joint industrial projects and its continued preference for bilateral economic relations. General reluctance on the part of all the industrial trading partners to grant preferential trade treatment to ASEAN products has caused Malaysia and Singapore to call for increased cooperation among ASEAN nations to enable them to retaliate against protectionist measures imposed by the industrial nations (particularly Australia). ASEAN members have also talked about asking Japan to create a special preferential economic relationship with the association.

#### Implications for US Policy

Given the internal strains on ASEAN unity, the limits of consensus reached thus far on economic discussions with industrial nations, and the failure of these discussions to meet initial ASEAN objectives, it would be premature to consider ASEAN an effective regional negotiating forum for relations with industrial nations, especially on highly politicized North-South issues. Over the next 18 months, the pace of economic integration within the region will continue to be slow and the outcome of ASEAN discussions with industrial nations is unlikely to achieve much that could not have been obtained bilaterally. ASEAN members will probably remain committed to developing a unified position on international economic issues. Momentum in this endeavor will be constrained, however, by the degree of consensus reached among the members on the trade-off between need for immediate national/regional economic development and support for the long range, politically symbolic goal of a NIEO.

ASEAN will want to continue discussions with industrial nations on some North-South issues which augment regional cooperation--special trade treatment, greater

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private and government assistance for development, and scientific and technological transfers, but will probably be cool toward US initiatives to discuss other North-South issues which could create tensions between ASEAN and the rest of the G-77. If pressed too aggressively, some ASEAN members could even perceive these initiatives as threats to their nonaligned status and to their role and influence within the G-77. This reaction could especially affect Indonesian and Philippine attitudes toward recent US initiatives in the North-South dialogue and possibly aggravate bilateral relations already subject to strain over US policies in the areas of human rights and arms transfer restraint.

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### The Evolution of Soviet Reaction to Dissent

*When the Soviets signed the CSCE accord in August 1975, they took a calculated risk that acceptance of the human rights provisions of Basket III would not create serious internal difficulties. After Helsinki and especially during the last year, however, several developments heightened the concern of Soviet authorities about dissent. This increased anxiety gradually translated into increasingly tough stands on issues of ideology and social control and produced the current crackdown on internal dissent.*

\* \* \*

### The Dissident Problem

The human rights provisions of Basket III of the CSCE accord signed in Helsinki provided a common ground for Soviet dissidents with a wide range of views and concerns, thus for the first time in many years raising in Moscow the specter of a unified "opposition." The most important dissident group to emerge was the CSCE monitoring group, organized by physicist Yury Orlov in Moscow in May 1976. Regional branches were established in the Ukraine, Lithuania, Armenia, Georgia, and Leningrad. These branches were tiny and the degree of actual coordination among them uncertain, but the emergence of a dissident organization with links throughout the country was unprecedented in recent Soviet history. By espousing the causes of a wide variety of aggrieved religious and national minorities, moreover, the monitoring group established some claim to being the center of a broader protest movement.

Although this incipient support of religious and national minorities could have provided a mass base for human rights activism, the intellectual dissidents remained estranged from the bulk of the working-class population. Working-class discontent, which has basically economic rather than political roots, has not converged with intellectual dissent.

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### Food Shortages and Unrest

Nonetheless, official apprehension that such a convergence could take place has evidently grown since the bad harvest of 1975. Although consumerism is not as potent a political force in the Soviet Union as in some East European countries, the Soviet population has come to expect a gradual improvement in its standard of living. Food shortages have caused widespread discontent, and over the last year and a half there have been reports of a number of instances of active protest and of general unrest.

Although recent instances of violence, some of them related to food shortages, were not perpetrated by human rights activists, the Soviet leadership may not always distinguish clearly between different sources of protest.

### Attack From the Eurocommunists

Since early 1976, the Eurocommunists, including the once docile French Communist Party, have become more openly critical of the Soviet Union than at any time since the invasion of Czechoslovakia. The Spanish Party has been the most vocal, but the larger French and Italian parties pose the more serious problem for the Soviets. From the Soviet perspective, the *chief* danger implicit in Eurocommunism is not that it has diminished Soviet influence in West European Communist parties, but that it offers a Marxist alternative to the Soviet model in Eastern Europe--and perhaps ultimately within the Soviet Union itself.

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Moscow has thus been upset by Eurocommunist support to dissidents in Eastern Europe and the USSR. Particularly annoying to the Soviets was an unprecedented visit in late December of an Italian Communist delegation to dissident Soviet Marxist Roy Medvedev in Moscow. The Italians presented Medvedev with an Italian edition of one of his books and reportedly asked him to write articles for an Italian party historical journal.

#### Unrest in Eastern Europe

At the same time, the Helsinki conference had a catalytic effect on East European dissent, which began a movement across national borders. Dissidents from different East European countries have reportedly coordinated their activities to a limited degree. Last winter some Soviet leaders were evidently genuinely alarmed that post-Helsinki conditions were creating an unstable situation in Eastern Europe, especially in Poland and to a lesser degree in East Germany and Czechoslovakia.

The growth of unrest in Eastern Europe increased chronic Soviet fears of a spillover into the Soviet Union itself. Soviet authorities have always been alert to the danger of a political "virus" from Eastern Europe spreading into the polyglot borderlands of the Soviet Union, which have historically been susceptible to influences from that quarter. This pervasive fear was evidently a factor in the Soviet decision to invade Czechoslovakia in 1968.

#### The US Human Rights Initiative

The new US administration's human rights "campaign," and especially the personal involvement of President Carter in public appeals on behalf of Soviet dissidents, further disturbed Soviet authorities. Many Soviet officials, already fearful of being put in the dock at Belgrade, reportedly regarded the campaign as a deliberate attempt at subversion by the US. At the same time, US protests about Soviet repressions temporarily emboldened Soviet dissidents to make more vigorous protests and to channel their appeals directly to the US administration.

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### The Soviet Response

It is largely as a response to all these related pressures that the current harassment of dissidents must be seen. It is clear that at least the initiation of the crackdown, although not its present scope, predates the change in US administrations. The factor of greatest importance in the minds of the Soviet leaders at the outset of the crackdown probably was the desire to clean house and silence the dissidents before the Belgrade review conference was convened. Indeed, some dissidents have charged that the climate in the Soviet Union deteriorated immediately after, and as a direct result of, the signing of the Helsinki accords. Recent emigre Bukovsky, among others, has claimed that conditions in his prison "tangibly worsened" after Helsinki. In 1976 there were a few trials of dissidents, balanced by occasional conciliatory gestures.

The first clear evidence that a campaign against dissidents might be under way did not come, however, until late December 1976, seven months after the formation of the Orlov group in Moscow. Soviet authorities then moved in a limited way against the CSCE monitoring group, by conducting searches of apartments of the members of its subgroup in the Ukraine. But there is no evidence to indicate that at this time the Soviets intended the crackdown to assume the major proportions it did in the spring. Rather, it seems likely that they intended to continue "carrot and stick" tactics aimed at controlling dissent by a careful combination of coercive and conciliatory measures, while holding in reserve the option of intensifying repression if circumstances warranted.

The new US administration's public defense of Soviet dissidents apparently reinforced and exacerbated the related Soviet anxieties about the coming Belgrade CSCE meeting, the situation in Eastern Europe, the behavior of the Eurocommunists, and the food situation at home. The net effect was to impel the leadership increasingly to conclude that harsher measures against the dissidents were required. Since February the Soviets have moved to suppress the Orlov group and its regional subgroups by arresting leading members and encouraging others to emigrate. Moreover, in the spring the Soviets began to

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place more and more limitations on the access of Westerners in Moscow to the dissident community and to link the dissidents with espionage activities.

Two incidents in June were indicative of the changed atmosphere in Moscow: the interrogation of newsman Robert Toth (the first such case in the detente era), and the surfacing of further suggestions that dissident Shcharansky is under investigation for treason. If Soviet authorities do charge him with treason, Shcharansky may become the first intellectual dissident since Stalin's day to be tried for this crime. Meanwhile, since Toth's departure, the Soviet media have expanded insinuations that he was engaged in espionage.

### Conclusions

The Soviets originally believed that they could afford to permit their citizens greater contact with the West. Otherwise, they would never have signed the Helsinki accords, allowed greater movement between East and West Germany, and stopped the jamming of some Western broadcasts to the Soviet Union in 1973. The events of the last year, however, have led them to reassess their policies. Many Soviet officials have probably decided that acquiescence on Basket III was a mistake.

Objectively, Soviet dissent does not appear to pose a serious threat to the Soviet system, but Soviet officials evidently perceive a greater danger than objective analysis would seem to warrant. Both Russian history and Leninist ideology impel them to exaggerate the potential importance of opposition groups, however small. They have always been preoccupied with problems of control. The importance that the leadership attaches to dissent can be seen by the fact that decisions about individual dissidents are sometimes made at the Politburo level.

It is not merely intellectual dissent that disturbs the Soviets. They fear that the "freer movement of people and ideas," which they conceded on paper at Helsinki and which to a certain extent the circumstances of a modern technological world force upon them, will open their society to a host of ideas and influences from the West that are, in their view, socially disruptive and morally unhealthy as well as politically subversive.

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Identifying Western concepts of liberty with license, they are apprehensive that extensive contact with the "decadent" West will expose the Soviet people not only to alien political ideas but also to crime, terrorism, pornography, and drugs, which could combine to produce a general breakdown of order and discipline. To the extent that they are concerned about the stagnation of their economy, the Soviets may also fear that consumer dissatisfaction will become a more serious political problem in future years.

In view of the problems the Soviets confronted in the winter and early spring, some sort of domestic crack-down was to be expected. The intensity and duration of the Soviet response, however, is not entirely explained by objective circumstances. Some of the pressures on the Soviets in fact seem to have diminished since the February-March period. The tense situation in Eastern Europe has eased, and the food supply in the Soviet Union, while still a matter of considerable concern, seems to have improved somewhat. Meanwhile, Soviet attempts to muffle internal and external criticism have paid off to a considerable extent. Although occasional outbursts of protest continue to take place, the more prominent dissidents have been effectively silenced. Nevertheless, Soviet repression of dissent continues to intensify.

It is true that even now the picture is not one of unrelieved repression. Two prominent Jewish activists, for example, were recently allowed to emigrate. And Orlov, the key figure in post-Helsinki dissent, has been charged only with the relatively minor offense of defaming the Soviet state and social system. There are still some constraints on Soviet behavior toward dissidents; the Soviet leadership has no desire, if indeed it has the power, to move in the direction of reinstituting the Stalinist terror apparatus. Nevertheless, the current campaign against dissent in the Soviet Union has become the toughest of this decade.

This increase in the relative harshness of Soviet policy is to some extent a natural partner of the more defensive and pugnacious tone the Soviets have recently displayed in many facets of foreign policy--particularly regarding the Eurocommunists and the United States. The recent expansion of Soviet actions against dissidents is

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thus related to irritation over the lack of progress in other areas of US-Soviet relations, as well as to the Soviets' desire to keep dissent closely controlled during the Belgrade review conference. At the same time, the exaggerated sensitivity of Soviet policy, both externally and internally, may reflect aggravated leadership tensions. A confluence of policy difficulties, coming at a time when Brezhnev's health is uncertain, may have strengthened the arguments of those within the leadership who are somewhat less inclined to conciliate the regime's opponents, either at home or abroad.

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The Legal Outlook for Arrested Soviet Dissidents

*The three most prominent incarcerated dissidents--Yury Orlov, Aleksandr Ginzburg, and Anatoly Shcharansky--could be brought to trial within the next month or two, but a decision by Soviet authorities to proceed along these lines is by no means assured. The Soviet criminal justice system is flexible enough to permit a variety of outcomes, and political rather than legal considerations undoubtedly will be determinative.*

The Three Key Dissidents

The current Soviet crackdown against dissent has focused particularly on members of the "Public Group to Support Implementation of the Helsinki Accords," the CSCE monitoring group formed under the leadership of physicist Yury Orlov in May 1976. Two members of the group's Ukrainian chapter have already been convicted of anti-Soviet agitation and were sentenced late last month to long labor-camp terms.

The Soviets have moved to break up the group's Moscow chapter by allowing several of its founding members to emigrate and by arresting Orlov, Aleksandr Ginzburg, and Anatoly Shcharansky. The legal cases against them--which are still in the investigatory stage--apparently are being built under different sections of the RSFSR (Russian Republic) Criminal Code.

Ginzburg was the first to be arrested (on February 3). As the administrator of a fund for arrested dissidents and their families provided by exiled author Aleksandr Solzhenitsyn, Ginzburg clearly is vulnerable to nominally nonpolitical charges related to his dealings in foreign currency. He may actually have engaged in illegal transactions. There recently have been indications, however, that Ginzburg could instead face trial for anti-Soviet agitation.

"Anti-Soviet Agitation and Propaganda" is considered an "especially dangerous crime against the state,"

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and it is punishable by up to seven years' imprisonment with the possibility of an additional five years of internal exile. Recidivists (like Ginzburg) face up to 10 years in a labor camp. The offense is defined by Article 70 of the RSFSR Criminal Code\* as agitation or propaganda aimed at "subverting or weakening" the Soviet regime or at committing especially dangerous crimes against the state. The offense also includes "the circulation, for the same purpose of slanderous fabrications which defame the Soviet state and social system, or the circulation or preparation or keeping, for the same purpose, of literature of such content . . . ." (emphasis added).

Orlov was arrested on February 10, but his case is reportedly being geared to Article 190-1, a "crime against the system of administration," which is of considerably less consequence than anti-Soviet agitation. It is punishable by a maximum three-year prison term. Article 190-1 forbids "the systematic circulation in an oral form of fabrications known to be false which defame the Soviet state and social system." The preparation or circulation "in written, printed or any other form of works of such content" also is prohibited.\*\*

*\*Each union republic has its own codes of criminal law and procedure, but they all conform to all-union "Fundamental Principles" and hence are basically the same in substance. Thus, the Ukrainian dissidents Rudenko and Tikhy were tried under Article 62 of the Ukrainian Republic Criminal Code, which corresponds to Article 70 of the RSFSR Code.*

*\*\*The shorthand phrase "anti-Soviet slander" commonly used in the Western press is ambiguous and hence confusing in that it can apply to either Article 70 or 190-1. The language regarding defamation of the Soviet state is similar in the two articles, but there are two key distinctions. To fall under the more serious Article 70, fabrications must have been circulated for the purpose of subverting or weakening the regime or of committing other especially dangerous crimes against the state. This requirement need not be met under Article 190-1, but--unlike Article 70--fabrications must have been "known to be false." The knowledge of falsity provision of Article 190-1 raises the interesting theoretical possibility of a defense based on the assertion of belief in the truth of the material circulated.*

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The "fabrications" at issue in regard to Ginzburg and Orlov are of course the documents dealing with CSCE-related issues that the monitoring group assembled and distributed to the embassies of Helsinki accord signatories. The documents deal with matters such as Soviet persecution of religious believers, the discriminatory treatment of political prisoners, restrictions on free emigration, official interference with international postal and telephone communications, and Soviet abridgment of the rights of national minorities.

The indication that Orlov might be treated relatively leniently could be part of the Soviet effort to dissuade the West from vigorously pressing the issue of "Basket III" (human rights) implementation at the main CSCE review conference in Belgrade this fall. It is also noteworthy that unlike Shcharansky and Ginzburg, Orlov is not Jewish and has no previous convictions for dissident activity. He also has the status of a corresponding member of the Armenian Academy of Sciences.

By far the most serious case is being orchestrated against Anatoly Shcharansky, who until his arrest on March 15 was active among both Jewish refuseniks and human rights activists. The charge that has been linked to Shcharansky is treason, which can carry the death penalty or up to 15 years in a labor camp plus five years of internal exile.

Treason is defined by Article 64 of the RSFSR Criminal Code to include the "transmission of a state or military secret to a foreign state." It also encompasses espionage, which is defined by Article 65 to include "the transfer, or the stealing or collection for purpose of transfer, to a foreign state or foreign organization or its secret service, of information constituting a state or military secret, or the transfer or collection on assignment from a foreign intelligence service of any other information for use to the detriment of the interests of the USSR."

An apparently key element in the case being constructed against Shcharansky is his association with *Los Angeles Times* correspondent Robert Toth. Toth was interrogated at length by the KGB about this relationship before leaving Moscow at the end of his tour last

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month. The questioning was clearly aimed at establishing that Shcharansky collected and passed to Toth information that can be construed by the Soviets as state secrets. Recent Soviet allegations that Toth was engaged in espionage activity have several purposes beyond the Shcharansky case--for example, to help bolster charges of US interference in Soviet internal affairs and to inhibit contacts between Soviet citizens and foreigners--but the assertion that there is evidence that Toth worked for an intelligence agency "related to the Pentagon" may also be meant to signal that the Soviets believe they have all the formal elements of proof needed to make a treason charge against Shcharansky credible.

### The Outlook

Two factors seem to favor a Soviet decision to move ahead with trials for Ginzburg, Orlov, and Shcharansky between now and the fall. The first involves the timing of the Belgrade CSCE conference. The Soviets could see the August-September hiatus between the end of the preparatory session and the beginning of the main meeting as an opportunity to dispose of the cases with less international publicity and attention than would be likely later in the year.

Another consideration involves the fact that the RSFSR Code of Criminal Procedure stipulates a maximum of nine months "confinement under guard in connection with the investigation of a case" (Article 97). To remain in compliance with procedural rules, therefore, Ginzburg and Orlov would either have to be freed--at least temporarily--or have judicial proceedings initiated against them by November, and the nine-month period for Shcharansky would expire in December--that is, in the midst of the CSCE review conference.

There are some countervailing considerations, however, and the Soviet criminal justice system is convoluted enough to afford opportunity for a variety of outcomes. Holding trials for the three dissidents in advance of the main CSCE review session would lessen somewhat Moscow's ability to imply that their fate may depend on Western willingness to take a noncontentious approach toward reviewing implementation on human rights

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provisions of the Helsinki accord.\* The Soviets could not, moreover, count on Western inattention even if the trials were held during the CSCE intersession and while many officials in West Europe and the US might be on vacation.

It is unlikely that the Soviets have yet resolved the conflicting gains and losses--that is, the suppressive and deterrent domestic impact versus adverse international publicity and strained relations with the US--of holding the trials before or after the main CSCE meeting gets under way in late September or early October. It is thus possible that Ginzburg, Orlov, and Shcharansky will be released when the nine-month period of investigatory detention expires, but that the investigations of their cases will continue.\*\*

Such a move would carry the implicit message that the outcome of the investigations might depend on developments in Belgrade and on the conduct of the dissidents themselves. Another way in which the Soviets could delay final disposition of the cases--perhaps until the CSCE session ends--would be to move ahead with initial judicial proceedings but have the cases "returned for supplementary investigation" under Article 232 of the Procedural Code.

The Soviets may ultimately choose not to exploit the opportunities for trials that they have created, and this course would not necessitate any extralegal maneuvering. Recent reports that the dissidents have been "charged" with the offenses mentioned earlier are misleading in their implication that proceedings against the dissidents are at a more advanced stage than actually seems to be the case.

*\*Even after conviction and sentencing, however, the Soviets could still hint that expulsion and exile in lieu of prison remained a possibility.*

*\*\*Article 133 of the RSFSR Code of Criminal Procedure provides for prolongation of preliminary investigations in exceptional cases. No time limit is specified.*

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What appears to have happened so far in the Ginzburg, Orlov, and Shcharansky cases is that each of the dissidents has moved from the status of "suspect" to that of "accused." But "Prosecution as the Accused" under Article 143 of the RSFSR Procedural Code is only an intermediate step in Soviet criminal justice.\* It is not equivalent to "prosecution" in the sense of indictment and trial, and it does not necessarily mean that a trial eventually will be held on the specific accusation or any other charge.

Upon completion of an investigation there may be a "conclusion to indict," but even this does not guarantee that the accused will actually be brought to trial.\*\* The Procedural Code specifies that the accused and his defense counsel\*\*\* must be allowed to acquaint themselves with all materials of the case when the investigator deems the preliminary investigation to be completed and the evidence gathered to be sufficient to draw up a "conclusion to indict" (See Articles 200-204). There has been no indication that any of the cases of the three key dissidents has yet reached this stage.

*\*Article 143 says that "if there exists sufficient evidence to provide a basis for presenting an accusation of the commission of a crime" the investigator shall "render a reasoned decree to prosecute the person as the accused." One effect of the decree apparently is to permit employment of additional investigatory procedures.*

*\*\*See Article 199 of the Procedural Code. Other possible outcomes of an investigation include a "decree to terminate the case," and a "decree to refer the case to a court for consideration of the question whether to take compulsory measures of a medical character." Articles 213 and 214 describe the supervisory role of the Procurator, who can confirm the conclusion to indict, order a supplementary investigation, or terminate the case.*

*\*\*\*Article 47 provides that defense counsel shall be permitted to participate in a case from the moment the accused is informed of the completion of the preliminary investigation. Defense counsel apparently may be permitted to participate earlier, that is, from the moment the accusation is presented, by authority of the Procurator.*

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It thus remains difficult to predict the legal outcome for Ginzburg, Orlov, or Shcharansky. Any or all of the three may soon be brought to trial, or never tried at all, or tried on charges in addition to or in lieu of those to which they have been linked thus far.\* The dissidents' fates clearly hinge on political rather than legal considerations, and the Soviet criminal justice system is amply ambiguous and sufficiently flexible to permit all but the most bizarre politically-determined outcomes to be orchestrated within the bounds of socialist legality.

*\*Ginzburg, for example, could still be tried for currency offenses rather than for anti-Soviet agitation. He would not necessarily be better off in terms of possible sentences. Article 88 of the RSFSR Criminal Code specifies up to eight years' imprisonment for violations of rules for currency transactions. "Large scale" illegal speculation is punishable by up to 15 years' imprisonment or by death.*

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